

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUN 22 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte ALLAN J. LEPINE

Application No. 09/829,168

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

The European Patent No. 0,259,713, to Meyer, is not in the electronic file. A complete copy of the reference, needs to be scanned into the electronic file.

In addition, an examination of the file reveals that complete copy of the English translation does not appear in the electronic file. Pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy:

Effective immediately, no appeal should be

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forwarded to the Board of Patent Appeals and Interferences for decision where: . . . (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) providing a complete copy of European Patent No. 0,259,713, to Meyer;
- 2) providing an English translation of 0,259,713, to Meyer; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



DALE SHAW  
Program and Resource Administrator  
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